

A marked-up version of amended claims 1, 2, 6, 9-13 and 19 are appended as Exhibit C and a clean version is appended as Exhibit D as required by 37 C.F.R. 1.121.

REMARKS

Reconsideration of the application is respectfully requested in view of the Terminal Disclaimer filed concurrently herewith and the amended claims.

Formal Matters

I. Election/Restrictions

In paragraph 1 of the Office Action, claims 3-5, 7-8, 14-18 and 20 were rejected as being drawn to nonelected inventions.

Consistent with the final requirement to restrict, applicant has withdrawn claims 3-5, 7, 8, 14-18 and 20 without prejudice to filing an appropriate continuation application.

II. Double Patenting

Paragraph 2 of the Office Action rejected claims 1, 2, 6, 9-13 and 19 under the judicially created doctrine of double patenting over claims 1-16 of U.S. Patent No. 6,467,613.

A Terminal Disclaimer has been filed concurrently herewith which is deemed to overcome this formal rejection. Copies of the Assignment of U. S. Patent 6,467,613 B2 and the Assignment of the above-identified application are included as Exhibit A and B.

III. Information Disclosure Statement

Paragraph 4 of the Office Action noted a listing of all patents, publications and information must be listed on Form PTO-892 in order to be considered.

Form PTO-08A is included herewith in response to the Notice regarding the informalities of the Information Disclosure Statement for inclusion on PTO-08A.

IV Claim Rejections – 35 U.S.C. 112

Claims 1, 2, 6, 9-13 and 19 were rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claim 1 and hence dependent claims 2, 6, 9-13 and 19 have been amended to attend to this rejection. The amendment of Claim 1 not only attends to the rejection but also underscores the novelty of the invention over the prior art. The cut out opening noted in at least one of the vertical panels is closed by the self-contained closeable pocket that is placed over the opening. See Specifications, page 3, lines 7-12, page 4, lines 20-25 and elsewhere in the specification, including the drawings as filed.

Amendment of claims 1, 2, 6, 9-13 and 19 are deemed to comply with 35 U.S.C. 112 and overcome this rejection.

The Amended Claims and Prior Art

Claim Rejections – 35 U.S.C. 102

Claims 1, 2, 6, 9-13 and 19 were rejected under 35 U.S.C. 102 as being anticipated by Mintz U.S. Patent 2,591,277.

The amendment of independent claim 1 and hence dependent claims 2, 6, 9-13 and 19 are deemed to overcome this rejection. More particularly, amended claim 1 includes a cut-out vertical side panel which leaves a cut-out opening in at least one of the vertical side panels. Mintz 277 does not have a cut-out opening in a side panel and does not have a self-contained closeable pocket on a vertical side panel for closing a cut-out opening.

As a result, amended claim 1 and dependent claims 2, 6, 9-13 and 19 are as well as new claim 21 are deemed patentable over Mintz '277.

Claim Rejections 35 U.S.C. 103

Claim 9 was rejected as being obvious under 35 U.S.C. 103 and hence unpatentable over either Mintz '277 or Marks 2,821,295.

The amendments to independent claim 1 and dependent claim 9 are believed to overcome this rejection. Neither Mintz '277 or Marks '295 teach or suggest a self-contained closeable pocket having vents disposed above a surface to which a solid source for fumigant gravitates that is sewn into or used to close a cut-out opening of a side panel. Marks '295 like Mintz '277 both illustrate and describe pockets that are made of layers that are crimped into the garment bag and hence only become a pocket after the layers are joined together as part of the garment container.

The difference between the invention and prior art is one of integrity and quality of the pocket in the final garment container. In the prior art, the integrity of the pocket is wholly dependent upon the crimping or system for incorporating the portions of the pocket into the container that completes the pocket.

The invention, in contrast, provides a durable self-contained pocket that is structurally independent of the means for incorporating the pocket into the garment container. As such, the integrity of the pocket is not dependent upon the integrity of the fastening system for joining the multiple layers of the multiple panels that form the pocket and the garment bag.

In paragraph 13, claims 1, 2, 6, 9-13 and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Mintz '277 in view of the opening defined by flap 6 of Mintz et al. U.S. Patent 2,645,541.

The amendment of independent claim 1 and hence dependent claims 2, 6, 9-13 and 19 are deemed to obviate this rejection. As indicated by independent claim 1 and the foregoing remarks, the "opening" defined by the amended claims is a "cut-out" opening in a side panel instead of an entire flap "opening" as taught in Mintz et al. '541. Nothing in Mintz '277 or Mintz, et al. '541 teaches or suggests cutting out an opening in one of the panels i.e., panel 6 of Mintz et al. '541 and then closing that cut-out opening with a self-contained closeable pocket.

As a result of the foregoing extensive amendment of the claims and remarks, it is believed claims 1, 2, 6, 9-13 and 19, as well as new claims 21 and 22 are patentable. Applicant consequently respectfully requests reconsideration and allowance.

Respectfully submitted,
BRENEMAN & GEORGES



William D. Breneman

Reg. No. 26,714

Attachments

ASSIGNMENT

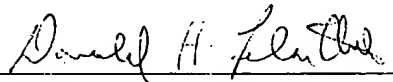
WHEREAS, I, DONALD H. FELSENTHAL, a citizen of the United States residing at 5999 Wood Trail Dr., Memphis, Tennessee 38120, am the inventor of certain inventions and improvements disclosed in U.S. Patent Application Serial No. 09/732,774 filed December 11, 2000 now United States Letters Patent No. 6,467,613B2 duly issued on October 22, 2002 by the United States Patent and Trademark Office for Letters Patent; and

WHEREAS, EARLE INDUSTRIES, INC., a corporation organized and doing business under the laws of Arkansas and having its principal place of business at P.O. Box 28, Earle, Arkansas, 72331, (hereinafter referred to as "assignee"), is desirous of acquiring an interest in the same;

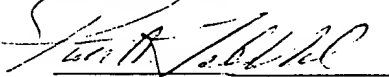
NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) or other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I DONALD H. FELSENTHAL, by these presents do sell, assign, and transfer unto said assignee, its successors and assigns, our full, exclusive and entire right, title and interest in and to said United States Letters Patent No. 6,467,613B2 and its parent application Serial No. 09/732,774 and to any divisions, continuations, continuations-in-part, and reissues thereof, and in and to any

and all inventions and improvements disclosed and described in said application and United States Letters Patent No. 6,467,613B2 therefor; and I hereby request the Commissioner of Patents to issue any and all additional Letters Patent of the United States resulting from said application, or from a division, continuation or continuation-in-part, or reissue thereof, to said assignee, for its interest and for the sole use and behoof of said assignee and its successors, assigns, and legal representatives.

For the same consideration, I agree to sign all lawful papers, execute all divisional, continuation, continuation-in-part, and reissue applications, make all assignments and rightful oaths and declarations, and generally do everything possible to aid said assignee, its successors, assigns, and legal representatives to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world.


DONALD H. FELSENTHAL

WITNESSED:



Date: 3/21/03

ASSIGNMENT

WHEREAS, I, DONALD H. FELSENTHAL, a citizen of the United States residing at 5999 Wood Trail Dr., Memphis, Tennessee 38120, am the inventor of certain inventions and improvements disclosed in U.S. Patent Application Serial No. 09/971,625 entitled GARMENT BAG POCKET ASSEMBLY, filed on October 9, 2001 in the United States Patent and Trademark Office for Letters Patent; and

WHEREAS, EARLE INDUSTRIES, INC., a corporation organized and doing business under the laws of Arkansas and having its principal place of business at P.O. Box 28, Earle, Arkansas, 72331, (hereinafter referred to as "assignee"), is desirous of acquiring an interest in the same;

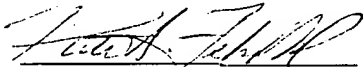
NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) or other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, I DONALD H. FELSENTHAL, by these presents do sell, assign, and transfer unto said assignee, its successors and assigns, our full, exclusive and entire right, title and interest in and to said application, in and to any divisions, continuations, continuations-in-part, and reissues thereof, and in and to any and all inventions and improvements disclosed and described in said application, preparatory to obtaining Letters Patent of the United States

therefor; and I hereby request the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application, or from a division, continuation or continuation-in-part, or reissue thereof, to said assignee, for its interest and for the sole use and behoof of said assignee and its successors, assigns, and legal representatives.

For the same consideration, I agree to sign all lawful papers, execute all divisional, continuation, continuation-in-part, and reissue applications, make all assignments and rightful oaths and declarations, and generally do everything possible to aid said assignee, its successors, assigns, and legal representatives to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world.


DONALD H. FELSENTHAL

WITNESSED:



Date: 3/2/03

EXHIBIT C

1. (Once Amended) A garment container comprising:

a plurality of panels, at least one of said plurality of panels being a vertical side panel having [which has] a vertical side cut-out opening formed therein by cutting out a portion of at least one of said vertical side panel to form at least one cut-out opening, said plurality of panels being capable of containing at least one article of clothing [garment] therebetween; at least one self-contained closeable [a] pocket composed of a transparent gas impermeable material for closing said cut-out opening of said vertical side panel, said self-contained closeable pocket [installed in the opening and] configured to hold a chemical composition in an interior thereof;

means for providing access into the interior of the pocket;

said at least one self-contained closeable pocket having a transparent gas-impermeable front surface and a back surface, said back surface being perforated with vents disposed above a part of said surface to which a solid source for fumigant gravitates to allow vapor from the chemical composition to pass therethrough to treat the garment without a gravitation of small residue particles through said vents.

2. (Once Amended) A garment container according to claim 1, wherein[:] said back surface of said self-contained closeable [the] pocket is gas-impermeable.
6. (Once Amended) A garment container according to claim 1, wherein[:] said plurality of panels form an underbed storage box.

9. (Once Amended) A garment container according to claim 1, wherein[:] said means for providing access [means] is arranged along one side edge of said self-contained closeable [the] pocket.
10. (Once Amended) A garment container according to claim 1, wherein[:] one side edge of said self-contained closeable [the] pocket coincides with one side edge of one of the plurality of panels.
11. (Once Amended) A garment container according to claim 1, wherein[:] two side edges of said self-contained closeable [the] pocket coincide with two side edges of one of the plurality of panels.
12. (Once Amended) A garment container according to claim 1, wherein[:] said self-contained closeable pocket extends completely across one of the plurality of panels.
13. (Once Amended) A garment container according to claim 1, wherein[:] each of said plurality of panels is gas-impermeable.
19. (Once Amended) A garment container according to claim 1, wherein[:] said means for access [means] is a zipper.